



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

June 28, 2005

Mr. Mark Chura  
Ocean Atlantic Associates  
4101 Highway One  
Rehoboth Beach, DE 19971

RE: PLUS Review 2005-05-19, Cypress Pointe

Dear Mr. Chura,

Thank you for meeting with State agency planners on June 8, 2005 to discuss the proposed plans for the Cypress Pointe project located on 108.63 acres on SCR 78, north of Bethel in Sussex County. According to the information received, you are seeking to construct 72 residential units in the Level 4 area.

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is in the Low Density area according to the Sussex County Comprehensive Plan. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

**Executive Summary**

This section includes some site-specific highlights from agency comments found in this letter and is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***The applicants are responsible for reading and responding to this letter and all comments contained within it.***

**Site Location/Strategies for State Policies and Spending**

- The site is located in an Investment Level 4 area according to the *Strategies for State Policies and Spending*. State policies in these areas support agricultural preservation and natural resource conservation, not development. Therefore, the State opposes this proposed development.

**Natural/Cultural Resources**

- A portion of the site falls within an excellent recharge area. Recommendations for addressing this are included in the "Water Resource Protection Areas" section of this letter.

- Forested areas should be preserved, particularly in the southern portion of the parcel. A portion of this forested area is part of an ancient sand ridge, a unique geological feature that often harbors rare plants and animals.
- The site is within three miles of a known Delmarva fox squirrel population at the Nanticoke Wildlife Area. Delmarva fox squirrels were listed as endangered in 1967 and are protected by the Endangered Species Act. The site contains potential habitat for Delmarva fox squirrels. Requirements for addressing this are included in the "Rare Species" section of this letter.

**Office of State Planning Coordination – Contact Ann Marie Townshend 739-3090**

This project represents a major land development that will result in 72 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. The site is located in a Low Density area according to Sussex County's certified Comprehensive Plan. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed is likely to bring more than 180 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases. Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

**State Historic Preservation Office (SHPO) – Contact Alice Guerrant 739-5685**

SHPO objects to this development in the Level 4 area because it will have an adverse and destructive effect on the historic agricultural landscape. Development will have a particularly adverse visual effect on the historic property (S-5983) across Woodland Ferry Rd. from the site. The site is also near the Bethel Historic District (S-195) and development will generate increased traffic through the district.

There are no known historic properties within the site. The potential for historic-period archaeological sites here is low. There are some areas of medium potential for

prehistoric-period archaeological sites, particularly near the eastern woodlot. If this project proceeds, SHPO would appreciate the opportunity to inspect the site before construction begins.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

Top Drawer, LLC seeks to develop 72 single-family detached houses on an approximately 108.63-acre parcel (Tax Parcel 2-32-5.00-04.00). The site is located on the south side of Woodland Ferry Road (Sussex Road 78) northwest of Bethel. The land is zoned AR-1 in Sussex County and would be developed under the County's cluster development ordinance.

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* have deemed the type of development being proposed to be inappropriate for this area. As part of its commitment to support the *Strategies*, DelDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments.

**Department of Natural Resources and Environmental Control**

**Contact Kevin Coyle 739-3091**

**ERES Waters**

The site is located adjacent to receiving waters of the Nanticoke River designated as having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State. Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specifies that all designated ERES waters and receiving tributaries have a "pollution control strategy" to reduce non-point sources of nutrient runoff. Subsection 11.5(e) expressly authorizes the Department to provide standard Best Management Practices (BMPs) for controlling, reducing, or eliminating the discharge of pollutants to the greatest degree practicable or attainable.

### **TMDLs**

Adoption of Total Maximum Daily Loads (TMDLs) as a nutrient-runoff-mitigation strategy for the Nanticoke Watershed makes reduction of nitrogen and phosphorus loading mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support these desired use goals. The jurisdictional authority for these use goals falls under Section 11.5 of the Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as "pollution control strategies."

Nutrient reductions are assigned on the basis of water quality concerns. Regions of greatest environmental concern will require higher levels of nutrient reduction than those deemed less environmentally sensitive. In this watershed, the regions are demarcated as high and low reduction zones. The high reduction zone corresponds to the western portion and requires a reduction of nitrogen and phosphorus by 30 and 50 percent, respectively.

A draft pollution control strategy for the Nanticoke watershed will be available for public review in the fall of 2005. Performance standards for community and individual on-site wastewater treatment and disposal systems will be proposed to reduce nitrogen and phosphorus loading in the watershed.

The inclusion of stormwater management and/or wastewater treatment areas in open space calculations may underestimate nutrient loading rates. In order to verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones, Watershed Assessment Section can be contacted at (302) 739-4590 for further information regarding acceptable protocol for calculating a nutrient budget.

### **Water Supply**

The PLUS application states that individual on-site wells will provide water. The site is not located in an area where public water service is available. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. Well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. A water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. Dewatering well permit applications typically take approximately four weeks to process. Questions concerning these comments can be directed to Rick Rios, (302)739-3665.

### **Water Resource Protection Areas**

A portion of the site falls within an excellent recharge area (see map). According to State law, county and municipal governments are required to enact ordinances to protect Water Resource Protection Areas. The text below has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While local ordinances are not yet in place, the developer may find this wording useful in modifying the site plan to protect the wellhead protection area.

“Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.”

Applicants commonly offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water. The DNREC recommends the following measures, ranked in order of preference:

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement;
- 2) Limit impervious cover of new development to 20 % by right within WRPAs;
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff;
- 4) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

More information can be found at:

Source Water Protection Guidance Manual for the Local Governments of Delaware at

<http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual.pdf>

Ground-Water Recharge Design Methodology at

[http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual\\_supplement\\_1.pdf](http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual_supplement_1.pdf).

### **Sediment and Erosion Control/Stormwater Management**

- 1) Due to the proximity to sensitive areas, the Sussex Conservation District will require reinforced and super silt fence to adequately protect wetland areas during the construction.

- 2) A Certified Construction Reviewer (CCR) is required for this development. The Districts CCR Policy can be found at [www.SussexConservation.org](http://www.SussexConservation.org).
- 3) The District will require a phased plan and sequence of construction for this project. DNREC regulations require no more than 20 acres to be disturbed at more time. Please address.
- 4) Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond.
- 5) Consideration should be made for any adjacent properties during the design of this project, including drainage and erosion/sediment control.
- 6) A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval and construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, (302) 856-7219, for details regarding submittal requirements and fees.
- 7) It is strongly recommended that the applicant contact Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.
- 8) A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.
- 9) Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.
- 10) Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.
- 11) Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, make the request in the stormwater narrative citing the specific regulation.

- 12) Indicate on the sediment and stormwater management plan who will be responsible for maintenance of stormwater management facilities both during and after construction. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (access, easements, etc.) of any structures or facilities.

### **Drainage**

All ditches on the property should be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required in advance of ditch cleaning. Precautions should be taken to ensure that construction does not hinder any off-site drainage upstream or create off-site drainage problems downstream by the release of on-site storm water. Any drainage/utility easement owned by an individual landowner should not have structures, decks, buildings, sheds, kennels, fences or trees within it to allow for future maintenance.

It is strongly recommended that any conveyance between two parcels within the subdivision be dedicated as a drainage easement and designated as passive open space, rather than individually-owned. The easement should be of sufficient width to allow for future drainage maintenance. Along an open ditch or swale, a maintenance equipment zone of 25 feet measured from the top of bank on the maintenance side, and a 10-foot set back zone measured from top of bank on the non-maintenance side is recommended. Along a stormwater pipe, a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline is recommended. These zones should be maintained as buffers to reduce sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be native species spaced to allow for drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.

### **Forests**

There is a large forested area within the site that is a component of a contiguous stretch of forest. Large stretches of forest like this not only provide important water and air quality benefits, but also important habitat for many wildlife species that depend on interior forest. Clearing portions of the forest within the parcel may reduce the habitat value of the entire forest stretch.

A portion of the forested area is part of an ancient sand ridge. This is a very unique geological feature that often harbors rare plants and animals. To avoid impacts to this feature, lots and infrastructure currently planned for the forest in the southern part of the site should be moved to another area.

Forested areas set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked

so that residents understand their importance and homeowner activities do not infringe upon them.

### **Open Space**

Lot lines and other infrastructure, such as storm water management ponds, should not be placed in the forest and community open space should be designated along forested/riparian areas. This will expand the existing buffers, enhance value for birds and wildlife, and create recreational opportunities for residents.

In areas set aside for passive open space, the developer should establish additional forested areas or meadow-type grasses. These ecosystems increase infiltration into groundwater, decrease run-off into surface water, and improve the air quality. They also require much less maintenance than traditional turf grass, an important consideration of homeowner associations.

Open space containing forest or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism and should be marked to avoid infringement by homeowners.

### **Rare Species**

There are records of rare species downstream from the site that could be affected by run-off from this development if adequate 100-foot buffers are not utilized. The site is within three miles of a known Delmarva fox squirrel (*Sciurus niger cinereus*) population at the Nanticoke Wildlife Area. Delmarva fox squirrels were listed as federally endangered in 1967 and are protected by the Endangered Species Act. They generally inhabit mature forests with open understories and wet woodlands, but can be opportunistic in their habitat choice. The site contains potential habitat for Delmarva fox squirrels and the developer must address this prior to beginning construction by either:

- 1) Completely avoiding all direct and indirect impacts to the habitat, in consultation with the U.S. Fish and Wildlife Service (Trevor Clark , 410-573-4527) and Delaware Division of Fish and Wildlife, Nongame and Endangered Species Program, Holly Niederriter, (302)-653-2880; or
- 2) Conducting surveys to determine if Delmarva fox squirrels are present. In accordance with Delaware's fox squirrel site survey procedures, this is to be conducted by a State approved fox squirrel surveyor two times between September and May: once in the fall, and again between March 15 and May 30. A list of qualified surveyors is available upon request. Surveys may confirm the presence of fox squirrels but cannot confirm absence.

### **Nuisance Geese**

Ponds that remain in the subdivision will likely attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during



the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. The best method would be one of prevention. Native tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the perimeter are recommended. Waterfowl do not feel safe when they cannot see possible predators in the surrounding area. It is easier to control a few geese than to remove a plentiful population. Planting should be completed as soon as possible. The Division of Fish and Wildlife does not provide goose control services and residents will have to accept this burden (for example permit applications and fees, securing services of certified wildlife professionals). Solutions can be costly and labor intensive. Reducing the number and/or size of ponds and providing proper landscaping and monitoring techniques will minimize nuisance geese.

### **Recreation**

It is recommended that sidewalks be built fronting at least one side of residential streets and stub streets. A complete system of sidewalks will 1) fulfill the recreation need for walking and biking facilities, 2) provide opportunities for neighbors to interact in the community, and 3) facilitate safe and convenient off-road access to neighboring communities, parks, public mass transit stops, schools, stores, work, etc.

DNREC recommends that the developer dedicate a portion of the site for a community park. The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation preferences and landscape perception. The findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) which provides guidance for investments in outdoor recreation facilities. The high facility needs in Western Sussex County are Walking or Jogging Paths, Picnic Areas, Bike Paths and Fishing Areas. The moderate facility needs in Western Sussex County are Swimming Pools, Baseball/Softball fields, Hiking Trails, Basketball Courts, Campgrounds and Playgrounds. Consideration should be given to incorporate some of these recreation opportunities into the project. For additional information about the outdoor recreation priorities, contact Bob Ehemann at 739-9235.

### **Underground Storage Tanks**

There is one inactive LUST site located near the site: Crawford W. Matthews & Son, Facility # 5-000277, Project # S0001017. No environmental impact is expected from this site. Should underground storage tanks or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. While changes to construction specifications are not expected as a result of unanticipated petroleum contamination, PVC pipe would need to be replaced by ductile steel in all contaminated areas.

### **Solid Waste**

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth

will have on the state's existing landfill capacity, the applicant is requested to estimate the amount of solid waste that will be generated as a result of construction and occupancy.

### Air Quality

Annual vehicle emissions associated with this project at completion are estimated to be 11.2 tons (22,409.5 pounds) of VOC (volatile organic compounds), 9.3 tons (18,553.5 pounds) of NO<sub>x</sub> (nitrogen oxides), 6.8 tons (13,689.1 pounds) of SO<sub>2</sub> (sulfur dioxide), 0.6 ton (1,218.6 pounds) of fine particulates and 937.3 tons (1,874,524.2 pounds) of CO<sub>2</sub> (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated to be 4.5 tons (9,038.8 pounds) of VOC (volatile organic compounds), 0.5 ton (994.5 pounds) of NO<sub>x</sub> (nitrogen oxides), 0.4 ton (825.3 pounds) of SO<sub>2</sub> (sulfur dioxide), 0.5 ton (1,065.0 pounds) of fine particulates and 18.3 tons (36,641.1 pounds) per year of CO<sub>2</sub> (carbon dioxide).

Annual emissions from electrical power generation associated with this project at completion are estimated to be 1.8 tons (3,582.3 pounds) of NO<sub>x</sub> (nitrogen oxides), 6.2 tons (12,460.2 pounds) of SO<sub>2</sub> (sulfur dioxide) and 918.9 tons (1,837,883.0 pounds) of CO<sub>2</sub> (carbon dioxide).

	VOC	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	11.2	9.3	6.8	0.6	937.3
Residential	4.5	0.5	0.4	0.5	18.3
Electrical Power		1.8	6.2		918.9
TOTAL	15.7	11.6	13.4	1.1	1874.5

For this project the electrical usage via electric power plant generation will produce an additional 1.8 tons of nitrogen oxides per year and 6.2 tons of sulfur dioxide per year. A significant mitigation of this impact can be achieved through construction of Energy Star qualified homes. Every percentage of increased energy efficiency achieves a percent reduction in pollution. Quoting from their webpage <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment.”

The DNREC Energy Office trains builders to make their structures more energy efficient. The Energy Star Program is an excellent way to save on energy costs and reduce air

pollution. The project development team is strongly encouraged to increase the energy efficiency of its homes.

**State Fire Marshal's Office – Contact Duane Fox 856-5298**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

1) Fire Protection Water Requirements:

- Since the dwellings of the subdivision are proposed to be served by individual on-site wells (No Central Water System), set back and separation requirements will apply.

2) Accessibility

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Woodland Ferry Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

3) Gas Piping and System Information

- Provide type of fuel proposed, and show size and location of bulk containers on plan.

4) Required Notes

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com).

**Department of Agriculture - Contact Mark Davis 739-4811**

The Delaware Department of Agriculture opposes development of this site in the Level 4 area. Development will lessen the value of the environmental resources found within and adjacent to the site, which is located on the cropland layer of the State's Green Infrastructure Preservation Strategy Model. The site is considered desirable for preservation its cropland production capacity.

The Department strongly encourages the developer to consider other uses that offer better environmental opportunities for communities in the area and offers it services to the developer in the re-design of the project.

**Right Tree for the Right Place**

The Department encourages the developer to use the "Right Tree for the Right Place" concept in any design considerations. This concept outlines the proper placement of trees to increase property value and reduce heating and cooling costs by an average of 20 to 35 dollars per month. A landscape design that uses this approach reduces maintenance costs to property owners and ensures a lasting forest resource.

**Native Landscapes**

The Department encourages the developer to use native trees and shrubs to buffer the property from adjacent land-use activities near the site. A properly designed forested buffer can create wildlife habitat corridors, clean our rivers and creeks of storm-water run-off pollutants, and improve air quality to the area by removing six to eight tons of carbon dioxide annually. To learn more about acceptable native trees and how to avoid plants considered invasive to local landscapes, contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

**Tree Preservation**

The Department encourages the developer to implement tree preservation activities to ensure the health and vigor of the resource. Trees are affected by compaction of soils during the construction process; guidelines established by the International Society of Arboriculture (ISA) serve to lessen this impact and provide increase value to the site.

**Tree Mitigation**

It is acknowledged that tree removal will be necessary. The Forest Service encourages the developer to implement tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

**Delaware State Housing Authority – Contact Jimmy Atkins, 739-4263**

The proposal is to develop 72 units on 108 acres located on the south side of Woodland Ferry Road (Road 78), north of Bethel. According to the *Strategies for State Policies and*

*Spending*, the site is located in the Level 4 area and outside the growth zone. DSHA encourages residential development in areas where residents have proximity to services, markets, and employment opportunities such as found in Level 1 and 2 areas. The site is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the State has planned for new residential development.

**Department of Education – Contact Nick Vacirca**

According to legislation passed in 2004, future public school sites must be located in designated growth areas and approved by the State Budget Director, the State Planning Director, and the State Secretary of Education. It is estimated that 72 dwelling units will generate 36 additional students for the Laurel School District. Sussex County does not have school concurrence legislation at this time. The developer should submit a package to the school district for informational purposes.

If the development is approved and built, use the following information for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), developers should plan wide enough streets so that large school buses can access and turn around without backing from the furthest areas within the development. Should there not be any homes more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be made. The developer should work closely with the school district transportation supervisor.

**Public Service Commission - Contact Andrea Maucher 739-4247**

For both water and wastewater, the application notes “Artesian Water;” however the project is not within one of its certificated service areas. Artesian will need to apply to the Commission for a Certificate of Public Convenience and Necessity (CPCN). Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines.

**Delaware Emergency Management Agency – Contact Don Knox 659-3362**

Due to the number of residential units being proposed and its location in the Level 4 area, a significant impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County to keep them apprised of all development activities.

**Sussex County – Contact Richard Kautz 855-7878**

Because the project is an AR-1 Cluster subdivision, the developer must include in the application a plan for the management of all open space. The developer must document for the Planning and Zoning Commission how the proposed development: provides for a total environment and design which are superior to that which would be allowed under the standard lot option; preserves the natural environment and historic or archeological resources; and, will not have an adverse effect on any of the items included under Ordinance Number 1152 (County Code 99-9C). These issues can be addressed by

including in the application an explanation of how the developer plans to address the issues raised by State agencies during the PLUS review.

The site is not within any Sussex County Planning Area boundaries. It is contiguous to the Blades Planning Study Area boundary. For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

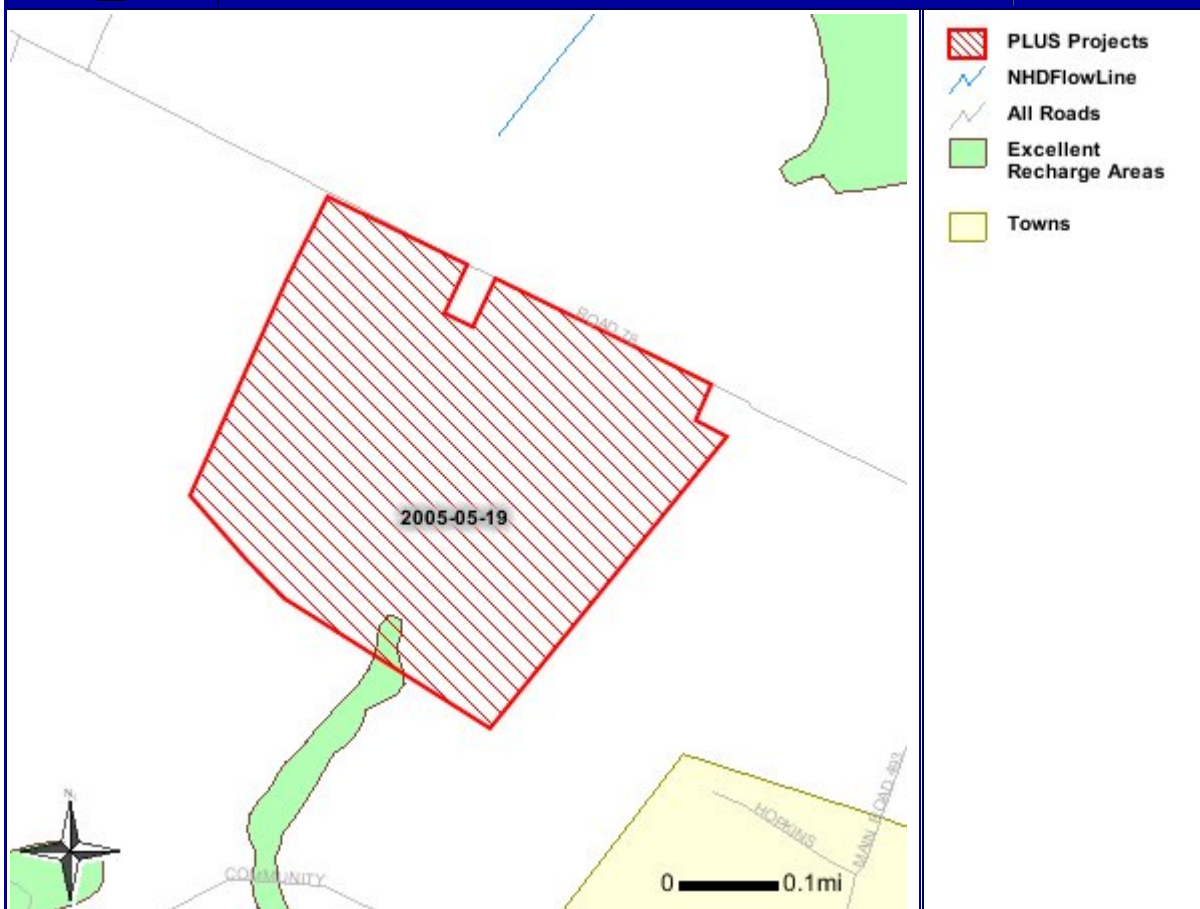
Constance C. Holland, AICP  
Director

CC: Sussex County



# Cypress Pointe

2005-05-19



This map was produced by the Delaware Department of Natural Resources and Environmental Control.

